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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,039	12/28/2001	Carl I. Green	42390.P13009	1948
8791	7590	03/01/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			NELSON, ALECIA DIANE	
			ART UNIT	PAPER NUMBER
			2675	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,039

Applicant(s)

GREEN, CARL I.

Examiner

Alecia D. Nelson

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 17-37*** rejected under 35 U.S.C. 103(a) as being unpatentable over Felcman et al. (U.S. Patent No. 6,830,394) in view of Douglas (U.S. Patent No. 5,156,049).

With reference to **claims 17, 20, 26, 27, 31, 32, and 36**, Felcman et al. teaches an apparatus (10) comprising: a keyboard (12) having a space bar (54) and keys (30, 32, 34) (see Figure 2, column 4, lines 14-24); a wheel (trackball, 12) positioned below the space bar to rotate horizontally relative to a top surface of the keyboard to receive user input (see column 4, lines 25-30); a tracking device (buttons, 48, 50, 52) positioned below the space bar to receive user input to direct a cursor displayed on a display (see column 4, lines 32-39), wherein the tracking device is closer to the space bar than the wheel (see Figure 7); a right mouse button (46) wherein the right mouse button is positioned to the right of the wheel; a left mouse button (44), wherein the left mouse button is positioned to the left of the wheel.

While teaching the above, Felcman et al. fails to teach the usage of a horizontal wheel, wherein the wheel including ridges.

Douglas teaches horizontal wheel devices (13, 15, 17) capable of being rotated horizontally relative to a surface for interacting with a visual display including ridges (see Figure 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the ridged wheels or the usage of the ridges, as taught by Douglas, to be used in a device or to be including on the wheel device similar to that which is taught by Felcman et al. in order to provide the user with traction when operating the wheel device thereby allowing the device to be gripped more securely.

With reference to **claims 18, 21-23, 28, and 33**, Felcman et al. teaches that the tracking device is closer to the space bar than the right and left mouse buttons; that the tracking device is closer to the space bar than the right and left buttons; and that the tracking device is positioned below the space bar; that the tracking device is in the center of the wheel (see Figure 7).

With reference to **claims 19, 24, 25, 34, and 35**, while Felcman et al. teaches the usage of the wheel (12) for providing control to an application being executed, there fails to be any disclosure of the wheel providing variable numerical input that increases with the rotation of the wheel in one direction and decreases with the rotation of the wheel in a second direction.

Art Unit: 2675

Douglas teaches a manual input system wherein a computer (23) drives a plurality of displays (31, 33, 35, 37), wherein each display includes a three-digit seven- segment display (39). Located below the respective displays are knobs (13, 15, 17), wherein each knob has associated indicia indicating the proper direction of rotation for increasing the corresponding parameter, and rotating the knob in the opposite direction decreases the parameter (see column 4, lines 18-56).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention for the wheel device of Felcman et al. to be capable of providing variable input wherein rotation in one direction causes the variable to increase and rotation in the opposite direction causes the variable to decrease, as taught by Douglas to thereby allow for applications including numerical data to be controlled by rotation of the wheel device. This thereby allows the user to control more functions with out having to change hand placement.

With reference to **claim 29**, Felcman et al. teaches that the tracking device directs a cursor on the display, wherein rotation of the wheel in one direction scrolls down a displayed document and wherein rotation of the wheel in another direction scrolls up the displayed document (see column 4, lines 25-39).

With reference to **claims 30 and 37**, Felcman et al. teaches that the keyboard (12) is connected to a portable computer (10) including a display (14) (see Figure 1).

Response to Arguments

3. Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive. The applicant argues that Felcman and Douglas should not be combined due to the references non-analogous, and even if combinable does not teach or suggest all of the limitations of the independent claims. However, it is the examiner position that both references pertain to input devices that interact with display devices. The specification of Douglas, while pertaining to automotive test, discloses a manual parameter input system. In disclosing the parameter input system, Douglas teaches the operation of the input system including updating values displayed by digital visual displays. For these reasons it is believed that Douglas and Felcman pertain to the same field of endeavor including input systems. Further as to the teaching of the claimed limitations, it is the applicant's position that the combination of the references fails to teach a horizontal wheel positioned below the space bar to rotate horizontally relative to a top surface of the keyboard to receive user input, wherein it is argued that trackball of Felcman is not a wheel and it does not rotate horizontally relative to a top surface of the keyboard. Douglas clearly teaches the usage of horizontal wheels capable of being rotated horizontally relative to a top surface as explained above. For these reasons the rejection will be maintained.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

Art Unit: 2675

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

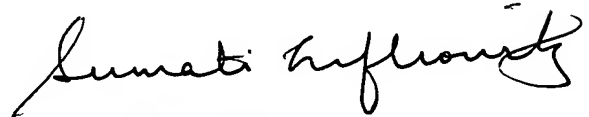
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is 571-272-7771. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2675

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adn/AND
February 21, 2006

A handwritten signature in black ink, appearing to read "Sumati Lefkowitz", is positioned above the printed name and title.

SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER